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# Criminal Justice Summit on Impaired Driving

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FINAL REPORT

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Administration**



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## EXECUTIVE SUMMARY

This report outlines recommendations resulting from the Criminal Justice Summit on Impaired Driving, convened on November 21-22, 2002, by the National Highway Traffic Safety Administration (NHTSA) and the National Criminal Justice Association (NCJA), a Washington, D.C.-based, nonprofit organization representing the states and criminal justice community on crime control and public safety issues. The Summit was held to identify gaps, problems and challenges in the criminal justice system in the handling of impaired drivers and then to assess solutions and strategies for increasing effectiveness in the enforcement, prosecution and adjudication phases of impaired driving cases.

Each year approximately 17,000 individuals are killed in alcohol-related traffic crashes, and individuals with prior convictions for driving under the influence (DWI) and high blood alcohol concentration (BAC) levels are too frequently involved.<sup>1</sup> While states have responded aggressively during the past two decades to enact hundreds of laws mandating stiffer penalties for driving under the influence, research suggests that repeat and high BAC impaired drivers have found ways to slip through loopholes in the system. Because of system weaknesses, these hardcore DWI offenders can avoid detection, evade arrest and escape prosecution and sanctions. If the nation is to reach the goal of no more than 1.0 deaths per 100 million vehicle miles traveled (VMT) by 2008, some drastic measures need to be employed to increase efficiency in dealing with repeat and high BAC DWI offenders.

### Overview of Recommendations

The participants at the Summit called overall for strong, sustained leadership to bring the issue to the forefront of the national agenda, as it was during the 1980s. Leadership from the top would help produce the necessary resources and action on the issue and also

help to elevate public awareness and concern about the growing threat of repeat and high DWI offenders. Participants' discussions also underscored a need for relationship building and collaboration among all sectors of the criminal justice system as well as between the criminal justice system and the media, advocacy groups, and professional communities that come into regular contact with DWI offenders and their victims. This partnership-building would promote better management of and uniformity in the DWI system through increased opportunities for information sharing, cross training, and leveraging of resources.

An overview of specific recommendations made at each phase of the DWI system follows. The points of view and opinions expressed at the Summit and in this report are those of the speakers and do not necessarily represent the official position or policies of the U.S. Department of Transportation, the National Highway Traffic Safety Administration, or the National Criminal Justice Association.

### Enforcement Phase

Recommendations to improve DWI enforcement included ways to garner leadership support and improve community relations. Additional recommendations sought ways to reduce paperwork, increase information sharing, and enhance training. An overview of specific recommendations is as follows:

- Law enforcement executives should help create taskforces and coalitions to develop strategies, identify best practices, and secure financial and other resources for dealing with chronic DWI offenders.
- Law enforcement training in DWI enforcement must be mandatory, standardized across jurisdictions, and involve multiple disciplines. It also should be more in-depth to improve officers' ability to build stronger DWI cases for prosecution.
- New collaborations should be sought with:

<sup>1</sup> High BAC drivers are often defined as those driving with a BAC level in excess of 0.15. Hedlund, J.H., and Fell, J. (1995). Persistent drinking drivers in the U.S. In: Proceedings of the 39<sup>th</sup> Annual conference of the AAAM, pp. 1-12. Des Plaines, IL.: Association for the Advancement of Automotive Medicine.

- state attorneys general and governors offices who have the ability to help enact strong laws that research has shown are effective;
  - state highway safety offices, law enforcement standards and training boards and law enforcement associations who can help make quality training mandatory; and
  - the media, victims' rights organizations and advocacy groups who can help raise awareness of this issue.
- The voluminous paperwork involved in DWI enforcement should be streamlined and simplified without omitting the details needed to prosecute offenders. This involves the increased use of technology, the integration of information systems, and the standardization of forms, protocols and procedures.

#### *Prosecution Phase*

Recommendations to improve the DWI system at the prosecution phase focused on ways to attract qualified and experienced prosecutors to try DWI cases, increase prosecutors' involvement in anti-DWI efforts, and change court room procedures to improve conviction rates of DWI offenders. An overview of recommendations is as follows:

- Through the leadership of a state level "traffic resource prosecutor" in each state, prosecutors should be proactively involved in efforts to reduce DWI, particularly among repeat offenders and to make DWI prosecution a higher priority in prosecutor offices.
- Prosecutors and public defenders should help coordinate and be involved in DWI training, particularly with law enforcement officers, to help improve the quality of cases brought to court.
- Prosecutors and public defenders should actively encourage the development of programs to retain qualified prosecutors and public defenders in DWI, and help set guidelines with regard to DWI penalties.
- Working with judges, prosecutors should help define priorities for incarceration as well as explore community treatment options and alternative sentencing

programs to help reduce recidivism and alleviate system costs. Judges, prosecutors, and public defenders also should work together on finding ways to expedite case processing to reduce backlogs.

#### *Adjudication and Disposition Phase*

Recommendations to improve the DWI system at the adjudication and disposition phase focused on ways to improve judges' and court administrators' ability to better manage caseloads and monitor and enforce sentences. The Summit recommendations did not support mandatory minimum sentencing. An overview of the recommendations is as follows:

- Specialized courts, such as DWI courts, should be utilized more to help improve case management and provide access to specialized personnel, which will speed up disposition and adjudication. Specialized courts also will increase access to drug and alcohol testing and assessment to help identify DWI offenders with addiction problems and help prevent them from re-offending. Specialized courts also help with sentence monitoring and enforcement.
- Court efforts to enforce sanctions can include the creation of habitual offender teams, mini-warrant service teams who can conduct weekend sweeps, as well as community policing partnerships with law enforcement officers and probation officers.
- Judicial education and training must be improved with regard to the technical aspects of DWI investigations and it should cover more in-depth information on managing high caseloads.
- Resources for judicial training should be identified, including nongovernmental funds available. Examples include scholarship funds that are sometimes offered through the National Judicial College or private foundations. In some cases, judges may pay for a portion of training expenses out of their budgets or alternative state and local funding sources.
- Judges should limit "delay tactics" which lengthen court proceedings and lead to backlogs.
- Judges should work with prosecutors and public defenders to set sentencing guidelines and identify priorities for supervision of certain defendants.

## **The Report**

The first section of this report provides an introduction and overview of the Summit, including the deliberate design of the meeting. The Summit was designed to achieve the most comprehensive and broad identification of the challenges facing the system as a whole and the most innovative and inclusive solutions to making the system more effective and efficient by meeting in smaller, multidisciplinary groups as well as by professions. The Summit was divided for organizational purposes into three phases - law enforcement, prosecution and adjudication – but each phase was viewed broadly in order to include the work done by all

the criminal justice system components represented at the meeting. The second section, “Summit Recommendations: Challenges and Solutions” lays out the overarching needs to improve the DWI system, as well as the DWI system challenges that were viewed as priorities, in the enforcement phase, prosecution phase and the adjudication phase. Multidisciplinary breakout groups identified solutions. The final section, “Implementation Plans and Next Steps,” is a report of the immediate steps participants representing the various disciplines within the DWI system committed to take to facilitate change and improve the effectiveness for the handling of impaired driving offenses.

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## INTRODUCTION

Each year approximately 17,000 individuals are killed in alcohol-related traffic crashes, and individuals with prior convictions for driving while impaired (DWI) and high blood alcohol concentration (BAC) levels are too frequently involved.<sup>2</sup> These drivers comprise only a small percentage (1 percent) of the population of nighttime drivers, according to the Traffic Injury Research Foundation (TIRF), yet they account for more than 50 percent of the alcohol-related crashes occurring around that time.<sup>3</sup> Additionally, according to the National Highway Traffic Safety Administration (NHTSA) they make up about one-third of the individuals arrested or convicted for DWI offenses annually.<sup>4</sup> While hundreds of laws have been enacted in recent years to prevent and control impaired driving, research suggests that repeat and high BAC impaired drivers have found ways to “slip through the cracks” in the system. In many cases these are the drivers avoiding detection, evading arrest, and escaping prosecution and sanctions. Identifying where those cracks exist and how they can be fixed are among the challenges facing criminal justice practitioners involved in the DWI system.

At the same time, national statistics on impaired driving fatalities suggest that progress made during the 1980s and early 1990s to reduce impaired driving incidents has stalled, with the percentage of alcohol-related traffic deaths hovering at about 40 percent of all crashes annually. Following a dramatic 35 percent drop in impaired driving fatalities between 1982 and 1994, the percentage of traffic deaths involving alcohol-positive has remained stagnant, according to statistics from NHTSA. In 2000 and again in 2001, the percentage of alcohol-related traffic fatalities rose to 41 percent, suggesting that DWI fatalities are on the rise, and that the nation has become somewhat apathetic toward the

issue. If the nation is to reach the goal of no more than 1.0 deaths per 100 million vehicle miles traveled (VMT) by 2008, some drastic measures need to be employed to increase efficiency in dealing with chronic DWI offenders.

To help breathe new life into the fight against impaired driving and identify ways the criminal justice system can better deal with DWI offenders, particularly chronic DWI offenders, the NHTSA and the NCJA convened a *Criminal Justice Summit on Impaired Driving* on November 21-22, 2002, in Washington, DC. Participants were charged with identifying gaps, problems and challenges in the criminal justice system in the handling of impaired drivers. They explored these issues by dividing the criminal justice process for handling impaired drivers into three phases for ease of organization—the enforcement phase, prosecution phase and the adjudication phase. Using this framework of the criminal justice process, loopholes in the system were identified with regard to the repeat DWI offender in particular. Current and proposed solutions and strategies for improving the system were assessed and priority areas that require immediate action were highlighted. The final charge of the Criminal Justice Summit on Impaired Driving was the formulation of solutions and strategies to improve the system and development of implementation plans for action steps and resources to be committed. An agenda for this meeting is included in Appendix A.

The products of this Summit include the identification of the challenges to the entire criminal justice system in the handling of impaired drivers and recommended guidelines applicable to a variety of disciplines offering solutions, action planning and implementation, and follow up steps. This report is intended to

<sup>2</sup> High BAC drivers are often defined as those driving with a BAC level in excess of 0.15. Hedlund, J.H., and Fell, J. (1995). Persistent drinking drivers in the U.S. In: *Proceedings of the 39<sup>th</sup> Annual conference of the AAAM*, pp. 1-12. Des Plaines, IL.: Association for the Advancement of Automotive Medicine.

<sup>3</sup> Traffic Injury Research Foundation. (2001) *DWI System Improvements for Dealing with Hard Core Drinking Drivers: Enforcement*. Ontario, Canada.

<sup>4</sup> Fell J. (1995) “Repeat DWI Offenders in the United States.” In *Traffic Tech, Technology Transfer Series*, No. 85. National Highway Traffic Safety Administration. Washington, D.C.

offer the collective input of the criminal justice system practitioners, who provided the expertise and practical guidance to bring about positive change in the system to more effectively reduce the incidence of impaired driving and the related fatalities and raise the issue to priority status nationally.

The points of view and opinions expressed at the Summit and in this report are those of the speakers and do not necessarily represent the official position or policies of the U.S. Department of Transportation, the National Highway Traffic Safety Administration, or the National Criminal Justice Association.

### The Criminal Justice Summit on Impaired Driving

The NHTSA/NCJA Summit drew a cadre of approximately 100 participants representing law enforcement, prosecutors, public defenders, victim services, judges, state and tribal court administrators, treatment providers, probation, jail administrators, motor vehicle administrators, corrections officials, state criminal justice administrative agencies, state highway safety agencies, state

legislators, county officials, and tribal leaders. A list of participants attending is included in Appendix B. The goal of the Summit was to work collaboratively to identify the challenges and solutions in the criminal justice system in the handling of impaired drivers.

Research informed the discussions by providing concrete information regarding identified problems in the criminal justice system and some suggested solutions. The TIRF recently published a series of reports focusing on DWI system improvements.<sup>5</sup> The first report dealt with problems in the detection and apprehension of hard core (repeat and high BAC) drinking drivers; the second report examined ways to improve prosecution of these drivers; and the third report focused on ways to improve the adjudication and sanctioning of hard core DWI offenders. This research was developed out of a series of focus groups and follow up surveys conducted with a few select criminal justice practitioner groups with extensive experience in the handling of DWI cases. Beer brewer company Anheuser Busch funded the reports.

Research also was provided from the report

#### NHTSA's Charge to Participants

During her address to participants at the forum, former NHTSA Deputy Administrator Annette Sandberg stated that NHTSA's biggest concern with regard to impaired driving is keeping repeat offenders off the nation's streets and highways where they continue to do harm. She stated that NHTSA is not looking for the "silver bullet" from the summit or new ground to be broken. NHTSA is looking to focus only on what works, directing their resources to areas where there are problems. She issued a charge to participants, first by asking them to answer the following pointed questions:

- ⇒ If you are in enforcement: Is your evidence solid?
- ⇒ If you are a prosecutor: Is the DWI charge on a second or third offense given a priority status? If the enforcement cases need improvement are you providing feedback?
- ⇒ If you are a judge: Do you consider the full list of options for sentencing? Have you considered graduated sentencing for high BAC? If the prosecutors' cases need improvement, are you providing feedback?

In closing, she charged participants to:

- ⇒ Determine where the breakdowns in the system are occurring.
- ⇒ Provide solutions to the problems.
- ⇒ Provide a measure that can be used to determine accomplishments.
- ⇒ Provide a system that is seamless.
- ⇒ Identify strategies they (and their organization associations) can employ immediately after leaving the summit.

<sup>5</sup> Traffic Injury Research Foundation. *DWI System Improvements for Dealing with Hard Core Drinking Drivers: Enforcement* (November 2001); *DWI System Improvements for Dealing with Hard Core Drinking Drivers: Prosecution* (June 2002); *DWI System Improvements for Dealing with Hard Core Drinking Drivers: Adjudication and Sanctioning* (December 2002). Available online at [http://www.trafficinjuryresearch.com/anheuserBusch/dwi\\_system.htm](http://www.trafficinjuryresearch.com/anheuserBusch/dwi_system.htm).



and recommendations published by the American Automobile Association (AAA) Foundation for Traffic Safety which proposed that the best ways to address the problem of impaired driving are to strengthen the criminal justice system as a whole and recognize that simple solutions will not work.<sup>6</sup> The AAA study cited three strategies that would improve performance in the system: 1) better information sharing among system components; 2) better management of the overall system and the components; and 3) increased funding for the issue and the entire criminal justice system.

### *Summit Design*

The Criminal Justice Summit on Impaired Driving was organized by dividing the process of handling impaired drivers into enforcement, prosecution and adjudication phases. These phases were viewed broadly and considered as each related to or encompassed the responsibilities and roles of each of the criminal justice professional components represented at the Summit.

After organizing the criminal justice process broadly into the three phases, multidisciplinary work groups discussed each phase to identify the gaps and challenges in the system as a whole and develop possible solutions to meet the identified challenges. Using multidisciplinary workgroups enabled the challenges and the solutions to be more

comprehensively defined and less directed at specific professional groups or components of the system. This meeting design encouraged group consensus on system challenges and encouraged creative problem solving solutions. It also provided opportunities to work with other criminal justice partners and to begin building relationships with practitioners who may not always work closely together. A plenary session followed each breakout session and began with an opportunity to debrief the outcomes of the breakout sessions as a whole. These debriefing sessions allowed all practitioners to see the ideas generated and the progress made by all Summit participants.

After identifying the challenges to the criminal justice system as a whole in the context of three broad phases, breakout sessions met by discipline to review and apply the first day's recommendations to their practitioner group. Each practitioner group selected priorities from among the recommendations developed by the full Summit and devised implementation plans for their profession. These practitioner group implementation plans identified next steps, resources and key stakeholders required to accomplish the priorities adopted by their discipline. At the closing session, the priorities selected, the implementation plans developed, and the commitments to action made, were reported to Summit participants and to NHTSA Administrator Dr. Jeffrey Runge, for response.

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<sup>6</sup>AAA Foundation for Traffic Safety. *Drunk Driving: Seeking Additional Solutions* (May 2002). Available online at <http://www.aaafoundation.org/pdf/DrunkDriving-SeekingAdditionalSolutions.pdf>

## SUMMIT RECOMMENDATIONS: CHALLENGES AND SOLUTIONS

Research conducted by the Traffic Injury Research Foundation (TIRF) provided a starting point for the identification of problems and solutions to improve the handling of impaired driving offenders in the enforcement, prosecution and adjudication phases. TIRF representatives presented the findings of their research to the multidisciplinary work groups prior to meeting in their respective groups and the findings served as a springboard for their discussions. They were asked to select priorities from among the problems identified in the research and identify additional problems or challenges that need to be addressed. The work groups also reviewed the solutions presented in the research and made additional recommendations for improving the criminal justice system's handling of impaired drivers.

### Overarching System Solutions

#### *Leadership*

Over all other recommendations came a compelling call for strong, sustained national leadership to bring the issue once again to the forefront of the national agenda, similar to the national leadership and priority it received in the 1980s. The recommendations indicated that leadership to address DWI offenders should come from federal, state and local officials—starting with the President and extending to every governor and attorney general, on through the criminal justice system components, and to local law enforcement officials. With this national leadership should come the commitment of resources to get the job done. Leadership from the top will not only help to produce the necessary resources and action on the issue, but will also help elevate public awareness and concern to change behavior in society. Leadership also should come from advocacy groups and the media who can help inform legislators of the issues and help to increase public awareness that repeat and high BAC DWI offenders have compounded the problem of DWI. Within and across the various criminal justice disciplines, leaders should maintain regular contact through forums and summits to ensure the issue remains a priority in the states and in each discipline.

#### *Partnership Building and Collaborations*

Relationship building and collaboration among all sectors of the criminal justice system came as the second overall solution identified in the Summit recommendations. This call came not only for improved partnerships within the criminal justice system but also between the criminal justice system and other organizations, professional communities, and groups that come into regular contact with DWI offenders and their victims. For example, an area in need of more collaboration between criminal justice professionals was identified when prosecutors, defense attorneys and toxicologists made a plea to be included in efforts to prevent and control impaired driving. There also was discussion about linking prosecutors and enforcement in training efforts. Another area where partnerships could be strengthened was emphasized when discussions at the enforcement phase called for new public service announcements that reflect hard facts about the consequences of drinking and driving—including statistics on repeat DWI offenders.

Recommendations indicated that partnership building within and outside the criminal justice system will promote better management of and uniformity in the DWI system through increased opportunities for information sharing, cross training, and leveraging of resources. From outside the system, recommendations were made to involve the media, citizen organizations, and schools to educate the public and raise urgency of the issue. More networking among key stakeholders in the fight against impaired driving is critical. Summits such as this NHTSA/NCJA criminal justice summit on impaired driving can serve as important tools for re-energizing groups, sharing information, identifying gaps, and developing strategies to move beyond traditional solutions and problem solving efforts. Through these discussions, it became clear that doing the same things with the same parts of the criminal justice system will not impact a significant reduction in alcohol related crashes and fatalities. Rather, the entire criminal justice system must be a part of the solution and resources must be provided to all components in innovative and strategic ways.

## SOLUTIONS FOR THE ENFORCEMENT PHASE

The TIRF study *DWI System Improvements for Dealing with Hard Core Drinking Drivers: Enforcement*, was used as a springboard for the workgroups' discussions on the handling of

impaired drivers at the enforcement phase. The research findings were based on information taken primarily from law enforcement professionals.

### Research Identified Problems And Solutions (TIRF, 2001)

Problem	Solution
1. Paperwork	Simplify and standardize forms; use technology
2. Test refusal	Increase penalties – both civil and criminal; admit refusals as evidence at trial
3. Detection	Increase training, especially on horizontal gaze nystagmus (HGN); use technology
4. Incomplete evidence	Simplify arrest process; better training in the collection of evidence
5. Medical cooperation	Improved communication and open meetings with hospital administration; joint policy development
6. Failure to appear (FTA)	Increase penalties for FTA; innovative techniques and technology; increase interstate cooperation and relations
7. Access to records	Improved linkages and record keeping of criminal and driver records; improved access to records through use of technology
8. Testimony	Workshops with prosecutors; mentoring programs; use of mock trials
9. Resources	Re-allocation of existing resources

### Priority Areas

Five priority areas were identified by the multidisciplinary work groups including leadership and community relations, paperwork reduction and information sharing, training, improved detection, and resources. The law enforcement professionals in particular selected several actions to be taken to improve the enforcement process and many recommendations require the involvement, assistance, and participation of other criminal justice professionals.

### Leadership and Community Relations

Priorities for enforcement have shifted to other crimes and leadership is needed to redirect resources to DWI. Support for DWI enforcement must come from law enforcement executives. In turn, upper law enforcement management should solicit their governors to make the issue a priority. A number of steps aimed at educating and raising awareness in communities that DWI remains a problem can be taken, including developing collaborations

with the media and victims' rights groups, and soliciting support from prosecutors and other criminal justice practitioners.

#### **Recommended Actions**

- Develop task forces to lead coalitions.
- Meet with and solicit support from state attorneys general and governors' offices.
- Appoint specific DWI-assigned prosecutors to coordinate efforts by prosecutors to raise awareness of the problems and solutions.
- Approach state highway safety offices and law enforcement organizations for resource support.
- Develop more dynamic public service announcements that reflect the actual number of people that are affected by DWI offenders.
- Target children in schools (youth of pre-drinking age) to educate them on the dangers of drinking and driving.

#### **Paperwork and Information Sharing**

Some general recommendations for solutions to enforcement problems related to paperwork include streamlining and simplifying paperwork without omitting the details needed to prosecute offenders. Forms should be

standardized and uniform across states. Use of technology should be increased by using hand held devices, in-car videos, and computers so that subpoenas, citations, reports and other information can be filed electronically to increase accuracy, save time and reduce errors. Technology integration is necessary to speed sharing of information between agencies, for example, between law enforcement agencies and motor vehicles departments where records are updated.

#### **Recommended Actions**

- Encourage states and tribes to enact laws to standardize and streamline forms.
- At the local level, key law enforcement personnel should meet to discuss how paperwork and information sharing could be improved, including financial and non-financial resources available, computer hardware and software, and procedures and protocol.
- Develop and disseminate research identified best practices from states that have experienced success with streamlining paperwork.
- Provide funding for technology to streamline and simplify paperwork.
- Solicit support from national leaders to reduce paperwork.

#### **What Works in DWI Enforcement**

During her address, Marilena Amoni, NHTSA Associate Administrator, Office of Program Development and Delivery, outlined a number of "focused countermeasures" that through research, NHTSA has determined work. They include:

- ⇒ Strong laws – research has proven that .08 BAC laws, minimum drinking age, administrative license revocation, and primary seat belt laws are effective in saving lives.
- ⇒ High visibility enforcement – research also has shown (i.e. Checkpoint Tennessee) that weekly, publicized sobriety checkpoints can reduce alcohol-related fatalities by as much as 20 percent.
- ⇒ Strong sanctions have been proven to reduce recidivism.
- ⇒ Activism by groups such as MADD, SADD, RID, and the National Commission Against Drunk Driving has changed the public's perception over the years and has helped to pass hundreds of state DWI laws.
- ⇒ Changing social norms through education and campaigns has changed attitudes so that it is socially unacceptable to drive impaired. This is the cornerstone of the NHTSA media messaging in "Friends Don't Let Friends Drive Drunk."

NHTSA's objectives for DWI enforcement in 2003 are as follows:

- ⇒ Build momentum in calendar year 2003 to move alcohol-related fatality rates.
- ⇒ Increase highly publicized enforcement.
- ⇒ Recreate the rage about deaths and injuries caused by these criminal acts.
- ⇒ Increase the role of the prosecutors' office in this effort.
- ⇒ Create the perception that impaired drivers (from alcohol and/or drugs) will be detected and punished.

## Training

Increased training is crucial to improving several system challenges, including the detection of hard core drinking drivers, inadequate testimony on the part of officers, and incomplete evidence collection. Increasing the hours of training on DWI enforcement was strongly recommended. At least 40 hours at the academy level was recommended as critical. In addition, officers should be required to update or refresh their training annually. The content of training should include in-depth training on the standardized field sobriety tests (SFST), including correct usage of the horizontal gaze nystagmus (HGN) test, alcohol tolerance and how to recognize the subtle signs of impairment, basics of state statutes and laws, and how to provide accurate testimony. Training should involve other disciplines. Prosecutors can help law enforcement better understand complex DWI laws, how to build a case and distinguish between probable cause and reasonable doubt. Toxicologists can help provide advanced training on drug toxicology. Victim groups can provide education on the impact on victims and families. Public defenders can provide assistance in training on courtroom testimony, in particular on how to handle cross-examinations. Training materials should be reviewed by multiple disciplines that can be involved in delivering the training as well.

### Recommended Actions

- Identify a contact person or key stakeholders from the International Association of Directors of Law Enforcement Standards and Training (IADLEST) who can assist in making DWI training mandatory.
- Approach state highway safety offices and encourage them to require DWI training for all their law enforcement grant recipients prior to receiving funds.
- Work through departmental command structures to establish a coalition with the state's Police Officers' Standards and Training (POST) council to make these solutions requirements.
- Solicit state law enforcement associations to gain state support for quality DWI training.
- Encourage, as public officials, collaborative efforts between prosecutors and the law

enforcement community so that they work together to provide strategies for training.

- Seek funding from other governmental agencies, not just state highway safety offices, such as criminal justice and public safety agencies and private foundations.

## Detection

Detection of impaired drivers, particularly those who have learned to circumvent the system, can be greatly improved by increased training of officers, greater use of sobriety checkpoints and a number of legislative actions.

### Recommended Actions

- Make greater use of Drug Recognition Expert (DRE) programs.
- Ensure that all officers are trained in all aspects of DWI enforcement.
- Urge states and tribes to enact laws that:
  - Allow for DWI checkpoints.
  - Allow HGN as evidence.
  - Make test refusal a per se crime.
- Make DWI referrals to the medical community.
- Increase staffing in traffic units.

## Resources

Considering the nationwide fiscal constraints, finding creative new ways of establishing funding and resources for DWI enforcement is necessary. First, however, the issue must be a priority to maximize funding opportunities.

### Recommended Actions

- Require cost recovery from DWI defendants, for example, requiring repeat offenders to pay a fine as a condition of probation and charging offenders for testing.
- Seek opportunities to blend funding from various federal funding streams to help meet system needs.
- Identify ways to reach smaller departments to help fund their training, such as web-based and CD-ROM learning.
- Resolve competing overtime issues as more officers are being assigned to protective details as part of counter-terrorism efforts.
- Be realistic with budgets, for example, many law enforcement agencies do not budget for court time.
- Provide funding for toxicology labs and use toxicologists more.
- Use best practices to maximize use of funds.

## SOLUTIONS FOR THE PROSECUTION PHASE

TIRF study *DWI System Improvements for Dealing with Hard Core Drinking Drivers: Prosecution*, provided a starting point for the identification of problems and solutions for the prosecution phase of the handling of impaired driving offenders. These research findings were based on information taken primarily from state

and local prosecutors. In addition the research results from a study funded by the AAA Foundation for Traffic Safety, *Drunk Driving: Seeking Additional Solutions*, provided findings which support the need to find comprehensive solutions for the entire criminal justice system in order to effect change and make improvements.

### Research Identified Problems And Solutions (TIRF, 2002)

Problem	Solution
1. Evidentiary issues	Consistent use of the SFST; greater officer training; better communication between officers and prosecutors
2. Test refusal	Make refusals a criminal offense; make penalties substantial
3. Motions and continuances	Timely access to state-specific cases and rulings; adherence to processing guidelines
4. Records	Maintain records for the look-back period in DWI statutes; standardized court reporting; standardized record-keeping practices and driver abstracts; records of diversion programs
5. Inadequate or inconsistent penalties	Implement tiered penalties; stricter sentencing guidelines; dedicated DWI courts; education for all criminal justice professionals
6. Failure to appear	Hold defendants with past FTAs in custody until trial; impose significant bail; create and impose increased penalties for FTA
7. Legislative complexities	Conduct comprehensive legislative review to correct inconsistencies and loopholes; involve all criminal justice professionals in the review process
8. Expert witnesses	Create a databank on expert testimony; states should hire a small number of expert witnesses to testify; hold <i>Daubert</i> hearings
9. Plea agreements	Restrict content of plea agreements; require reasons for plea agreement in the court record
10. Prosecutor training	More training; opportunities to meet with other DWI prosecutors; specialized training courts; use turn-over binders; vertical prosecutions; recognition of DWI prosecutors



## Priority Areas

Lack of resources and a need to reduce prosecutor caseloads are significant system challenges at the prosecution phase. Increased training for DWI prosecutors also emerged as one of the more important requirements for increasing conviction rates of hard core DWI offenders. Inadequate and inconsistent penalties for DWI offenders have allowed many to escape meaningful punishment. Motions and continuances were identified as potential problem areas especially as repeat offenders find ways to delay proceedings in order to avoid conviction. Test refusals also present obstacles to successful prosecution of DWI offenders, especially repeat offenders who are familiar with the system and have found that test refusals provide another way to slip through the cracks in the system.

## Resources

Human resources are needed to increase efficiency in the prosecution of cases, more so than actual funding in many cases. More creative means of directing more resources toward DWI prosecution need to be found.

## Recommended Actions

- Reallocate system resources and conduct better system planning. Such issues as jail overcrowding and the use of community-based treatment options v. corrections-based treatment programs need to be addressed to save system resources.
- Improve access to the latest technology to

expedite case processing.

- Seek peer assistance, for example from state prosecutor associations.
- Use law students, under the guidance of the prosecutor, to handle time-consuming tasks, such as victim notification, contacting law enforcement, and performing paralegal tasks.
- Provide incentives to retain quality DWI prosecutors and public defenders, such as loan forgiveness programs.
- Define priorities for incarceration and explore community treatment options and alternative sentencing programs to help reduce recidivism among repeat offenders and alleviate system costs.
- Identify best practices, such as day-reporting centers, and drug courts.

## Training

DWI prosecution is not a high enough priority in most prosecutor offices, resulting in less experienced prosecutors handling DWI cases. This fact underscored the need for improved training of DWI prosecutors to handle DWI cases where “system savvy” repeat offenders are involved. Prosecutor training should also involve law enforcement and other criminal justice system components.

## Recommended Actions

- Identify national standards for prosecutor training.
- Increase the minimum number of hours of training regarding DWI prosecution.
- Make sure that training is provided on HGN

### Drunk Driving: A Roadmap for Progress

Jim Hedlund, Ph.D., highlighted recommendations from a report he co-authored for the American Automobile Association Foundation for Traffic Safety (*Drunk Driving: Seeking Additional Solutions*, available online at <http://www.aaafoundation.org/home>). He maintained that the best way to progress in the fight against impaired driving is to address the system as a whole, rather than individual aspects of it that may need attention. He identified a system of deterrence as the most promising strategy for near-term progress in reducing DWI incidents. Other DWI control strategies, such as education, prevention and treatment, do not work well in isolation and have shown only limited results, according to his research.

A DWI system that works must be focused on deterrence and include laws, enforcement, prosecution, adjudication and sentencing, monitoring of offenders, assessment and treatment of alcohol problems, publicizing of efforts, adequate resources and strong infrastructure. He acknowledged most of the weaknesses addressed in prior research and at the Summit, such as complex laws, low enforcement levels and arrest rates, and plea bargains and diversion tactics that allow many repeat offenders to escape punishment. Hedlund said that the entire system must be strengthened, but that simple solutions won't work. Maintaining that states have the lead, he cited better information sharing, management and increased funding as three important strategies for addressing systemic problems. Better information sharing entails improvements in the system design and system operations. Management should be improved both in the overall system and the individual components of the system. Funding should come from federal, state and local levels.

and SFST.

- Keep the content of training current especially as new laws are implemented or statutes are changed.
- Provide cross-disciplinary training of prosecutors and law enforcement and include toxicologists, judges, and defense lawyers.
- Gain leadership support for training to improve its availability.
- Make training hands-on and explore opportunities for ride-a-longs and mock trials.
- Use more web-based and CD-ROM training.
- Create state level mentoring programs for new prosecutors.
- Create a state prosecutor coordinator position in every state to handle training, research and expert witness issues.

#### *Inconsistent or Inadequate Penalties*

Model laws should be developed, which set guidelines for penalties, particularly with regard to repeat DWI offenders. Better sharing of information between jurisdictions and states regarding prior convictions is needed. Graduated penalties for repeat offenders should be implemented.

#### *Recommended Actions*

- Develop sentencing standards and guidelines, with stronger graduated penalties for repeat offenders.
- Develop model state laws, with recommended sentences. Have judges establish the guidelines rather than legislators.
- Develop uniformity across the states in the recording of prior convictions.
- Require plea agreements to a lesser offense to be made part of the record and count as a prior DWI conviction.
- Increase and improve communication between the states on prior convictions.
- Increase communication between felony and misdemeanor courts regarding DWI convictions.
- Create a federal database for DWI to capture out-of-state and multi-jurisdictional offenses.

#### *Test Refusal*

The ability to refuse to take a preliminary breath

test or chemical blood or breath alcohol content test is a major loophole in the DWI system that allows many DWI offenders to escape sanctions. The benefits of test refusal must be taken away, primarily through legislation.

#### *Recommended Actions*

- Make test refusal a criminal charge.
- Make test refusals admissible in court.
- Use back-up evidence to support refusal cases such as video cameras.
- Use telephonic search warrants to take blood.
- Make license suspension more stringent for refusals.
- Educate the general public on what 0.08 BAC really means and what penalties are imposed when they refuse to be tested.

#### *Prosecutor Caseload*

High DWI caseloads affect the ability of prosecutors to convict DWI defendants.

#### *Recommended Actions*

- Seek financial and other resources at the county and city level.
- Train inexperienced prosecutors to expedite case processing time and to help reduce backlogs.
- Solicit quality cases from law enforcement officers to make the cases easier to plea to and prosecute.
- Utilize specialized DWI courts, where more experienced prosecutors are utilized.
- Make resources available from the federal government to assist with impaired driving prosecutions.

#### *Motions and Continuances*

Excessive use of motions and continuances serve to delay DWI proceedings and thus reduce the chances of conviction.

#### *Recommended Actions*

- Prosecutor offices should prioritize cases.
- Prosecutors should make use of administrative courts when possible.
- Judges need to be better educated and trained to adjudicate DWI cases and limit "delay tactics."
- Judges need to find ways to have greater control of the court schedule and evaluate case management.



## SOLUTIONS FOR THE ADJUDICATION AND DISPOSITION PHASE

Preliminary research findings of the TIRF report *DWI System Improvements for Dealing with Hard Core Drinking Drivers: Adjudication and Sanctioning*, provided a starting place for the identification of problem areas and solutions in

the adjudication phase of the handling of impaired drivers in the criminal justice system. The report was pending publication at the time of the summit. The research findings came from work done with judges, probation and parole professionals.

### Research Identified Problems And Solutions (TIRF, in press)

Problem	Solution
1. Sentence monitoring	Centralize reporting process through probation; increased contact with offender; specialized DWI courts
2. Evidentiary issues	Opportunities for judicial education on DWI evidentiary issues; legislation on refusals and simplify statutory requirements for arrest and processing procedures
3. Caseload	More judges to reduce caseloads; specialized DWI courts; mandatory alcohol evaluations
4. Motions and continuances	Stricter adherence to case processing guidelines
5. Failure to appear	Make bond/bail conditions of release on arrest warrants for FTA; hold offenders in custody; develop transportation and cost-sharing agreements between neighboring jurisdictions
6. Records	Improve quality of data gathered; uniform driver abstracts; pre-sentence reports; make an alcohol evaluation certificate a condition of bond
7. Sentencing Disparity	Access to scientific evaluations of sanctions; expand use of DWI courts; tiered penalties
8. Mandatory minimum sentences	Include alternative and creative sentencing options in mandatory minimums; update legislation; allocate more resources to permit sentences to be imposed
9. Juries	Evidence of test refusal should be admissible at trial; admit evidence of priors; eliminate jury trial option

## Priority Areas

High court caseloads and the inability of judges to effectively monitor and enforce DWI sentences were consistently seen as significant DWI system challenges when it comes to hard core DWI offenders. The Summit recommendations did not support the use of mandatory minimum sentences in DWI cases. Judicial training on DWI issues was identified as a critical need. A need to resolve administrative hearing officer issues was also identified as a priority.

### Caseload

High court caseloads negatively affect the disposition of DWI cases and a number of ways were recommended that judges can better manage their dockets and improve opportunities to address repeat and hard core DWI offenders.

### Recommended Actions

- Appoint or recruit more judges to alleviate high caseloads and increase the number of courts handling DWI cases.
- Improve education and training on caseload management for both judges and court administrators.
- Develop specialized courts for DWI cases, which can provide:
  - Improved case management,
  - Better access to drug and alcohol testing and assessment,
  - Extensive inpatient/outpatient treatment, and
  - Access to more specialized personnel, which speeds up disposition and adjudication.
- Limit delay tactics, which lengthen court proceedings and lead to backlogs.
- Use more experienced staff to speed up dispositions, adjudication and sanctioning.
- Create laboratories in courthouses for alcohol testing.
- Use more alcohol assessments as a condition for release. This differs from screening, which is more preliminary.
- Use technology for case management and record keeping.
- Provide resources to hire personnel to monitor the technological information as well as to identify priorities for which defendants to supervise.

### Sentence Monitoring and Enforcement of Sentence by the Court

A number of options were recommended to

### The Promise of DWI/Drug Courts

There are 58 DWI/Drug Courts in operation in the United States and 10 more are in the planning phases. Based on the drug court model, these courts work to hold offenders with addictions accountable for their actions, while keeping them in treatment long enough to receive its benefits. Drug courts are diversion programs that use the power of judges and the cooperation of prosecutors, corrections and the treatment community to treat drug and alcohol addicted offenders. Judge Michael Kavanaugh, who presides over a DWI/Drug court in Albuquerque, New Mexico, described several aspects of his court:

- ⇒ Random, frequent breathalyzer and urine testing.
- ⇒ Graduated sanctioning for those who relapse.
- ⇒ Offenders meet with probation officers twice per week.
- ⇒ The court provides progress reports.
- ⇒ Offenders attend treatment twice per week. Some go through sessions of acupuncture which has shown to be effective on cravings, and they must attend 12 step meetings, such as alcoholics anonymous (AA). Offenders must maintain contact with their AA sponsor.
- ⇒ Counseling sessions are offered.
- ⇒ 30 hours of community service is mandated.
- ⇒ Offenders must attend MADD victim impact panels.
- ⇒ Offenders must hold jobs or be in school; those without a high school diploma must complete the GED.
- ⇒ Judges have more personal contact with offenders.
- ⇒ Trust is developed between the judge and the offender.

Preliminary research indicates that the New Mexico DWI court has a 10.5 percent recidivism rate, compared to 35 percent for those who do not go through the DWI/Drug court. Judge Kavanaugh stated that he would like to see a DWI/Drug court in every state and encouraged the audience to lend their support for a national movement to expand the DWI/Drug court model.

increase opportunities for courts to follow through and enforce sanctions against DWI offenders, including greater use of DWI courts to increase offender accountability and reduce recidivism.

### ***Recommended Actions***

- Inform and involve prosecutors in the enforcement of sentences.
- Use volunteers where possible.
- Issue summons to appear instead of warrants.
- Create a triage with a probation officer or court referral officer as the liaison.
- Create a collection agency or department within the court to collect fines from violators.
- Develop specialized courts for DWI cases, which will provide:
  - Improved case management,
  - Better access to drug and alcohol testing and assessment,
  - Extensive inpatient and outpatient treatment, and
  - Access to more specialized personnel.
- Use mini-warrant service teams; conduct weekend sweeps.
- Create habitual offender teams.
- Provide resources for treatment.
- Establish partnerships with law enforcement and probation in community policing.

### ***Mandatory Minimum Sentencing***

One recommendation stated that mandatory minimum sentencing is the “worst thing for DWI,” because the policy takes discretion away from judges and tends to increase the use of jury trials, creating more opportunities for hard core DWI offenders to escape adequate sanctioning.

### ***Recommended Actions***

- Eliminate mandatory minimum sentences.
- Develop “Court Watch” programs.
- Train judges on DWI issues and appropriate sanctioning.

- Set sentencing guidelines.
- Ensure uniformity of the DWI state codes.

### ***Judicial Training***

Judicial education and training must be improved especially with regard to the technical parts of DWI investigations.

### ***Recommended Actions***

- Identify resources for judicial training, including nongovernmental funds. Examples include scholarship funds that are sometimes available through the National Judicial College or from private foundations. In some cases, judges can pay for a portion of training expenses.
- Ensure that judges attend training sessions.
- Establish minimum continuing judicial education requirements for judges.

### ***Administrative Hearing Officer Issues***

Administrative hearing officers are often poorly trained and do not know how to limit the administrative hearing to the relevant issues and procedures.

### ***Recommended Actions***

- Improve training of hearing officers.
- Establish an integrated database for records.
- Ensure that prosecutors get records to hearing officers in a timely fashion and that these records are accurate.
- Ensure that prosecutors are provided adequate notice of hearings (which can become depositions if not limited by the hearing officer).
- Set conditions of bond release that include seizure of the driver’s license.
- Establish minimum standards for the administrative hearing process.
- Educate hearing officers on what they can and cannot do.
- Improve the hearing process and procedure.

## IMPLEMENTATION PLANS: NEXT STEPS

Once the priority areas and solutions were identified by all disciplines, each practitioner group selected priorities specific to their profession and made commitments to take action and implement next steps. Some of the items listed as priorities for each practitioner group may not reflect complete consensus among that group. To the extent possible, all suggestions were included, however, to reflect the input of all participants. The disciplines represented were: law enforcement, prosecution, toxicology, state legislators and tribal and county officials, state criminal justice administrative agencies, departments of motor vehicles, state highway safety agencies, state victim services agencies, public defenders, judicial educators, court administrators, judges, probation, treatment providers, and corrections and jail administrators. The groups reported their plans to the entire Summit and to Dr. Jeffrey Runge, NHTSA Administrator for response.

### Law Enforcement

#### —Leadership

- National leadership must be called upon to bring the DWI issue to priority status again. National Leadership should include the President, U.S. Attorney General, the U.S. Secretary of Transportation and every governor.
- The participants made the commitment to work on reducing DWI from the “bottom up,” if NHTSA and other federal agencies will work from the “top down.”

#### —Paperwork and Information Sharing

- Local and county level law enforcement agencies should meet with prosecutors and agree on using one form for DWI arrests.
- Law enforcement officers involved in DWI cases should meet once a month in local or county jurisdictions to discuss the technology and resources needed to build a “paperless” system.
- Resources to purchase the necessary technology (hardware and software) to reduce paperwork involved in DWI investigations will be necessary and funding must come from every level of government

in order to make this happen.

- Resources are also needed to establish integrated information systems to facilitate information sharing.

#### —Training

- Law enforcement will seek to make 40 hours of DWI training at the academy or entry-level mandatory, as well as ongoing refresher training on DWI for law enforcement officers.
- Law enforcement will contact their state law enforcement associations to gain state support for quality DWI training.
- Officers in the field will strongly be encouraged to contact their state highway safety representatives and ask them to make DWI training mandatory for all their grant recipients.

### Prosecution

- Prosecutors promised to take a leading role at the local level to reduce DWI incidents.
- Prosecutors offered to assist traffic safety agencies to understand DWI laws, rights and penalties, for example how to distinguish the differences between probable cause and reasonable doubt.
- Efforts will be made to create a state level “traffic resource prosecutor” position in every state.
- Methods to share best practices and what works with neighboring jurisdictions will be developed or utilized where avenues currently exist for this exchange.
- Prosecutors accepted responsibility to get more experienced prosecutors involved in DWI cases.
- Prosecutors asked for assistance in getting loan forgiveness programs in place in order to attract and retain qualified prosecutors.
- Clearinghouses for training, videotapes and publications must be established and maintained at the national and state level.

### Toxicologists

- Increased focus on and funding for toxicology labs must be a priority to funding agencies.
- Toxicologists will seek resources for

comprehensive toxicology testing and specialized services in labs.

- This professional group will encourage increased support of law enforcement and recommended better sharing and collection of data between law enforcement and toxicologists.

### Public Policy Group

The public policy group included state legislators, county officials, and tribal leaders. This group made a number of budget and legislative recommendations, which they promised to bring to national organizations such as the National Conference of State Legislatures (NCSL) and the National Association of Counties (NACO). The legislative and budget recommendations were:

- States and tribes should consider earmarking increased funding for DWI enforcement, prosecution, adjudication, rehabilitation and treatment. *It should be noted that some members of this group disagreed about the earmarking of funds (although they did agree that increasing funding was key) for impaired driving as this can significantly reduce the flexibility of state law makers to respond to changing economic circumstances and alter policy options in response to the changing needs of their citizens, and may also result in insufficient resources for programs if earmarked funding is tied to unstable or stagnant revenue streams.*
- When budget cuts are made through the legislative process, DWI enforcement, prosecution and adjudication should remain a priority.
- States and tribes should create DWI courts or make them a part of existing drug courts.
- States and tribes should enact laws that:
  - allow for DWI checkpoints
  - allow HGN results as evidence upon a showing of substantial compliance with applicable standards
  - make test refusal a per se crime
  - authorize non-consensual blood withdrawal
  - standardize and streamline DWI forms
  - maintain plea agreements for lesser offenses as part of driving records and count as prior conviction
- The federal government should maintain a

national DWI database for tracking DWI offenders.

### Department of Motor Vehicles (DMV) Administrators

- DMV administrators suggested change in the direction of federal mandates from sanctions to incentives with more funding for treatment of alcohol abuse and more referrals from the medical community.
- This group offered DMV administrators and their staff as resources and especially for training for those in law enforcement, prosecution and adjudication on services the DMV can provide. For example, the DMV staff can help other professional groups understand DMV driver records better.
- DMV administrators would like to see states make more use of medical advisory boards to explore treatment options, particularly for repeat offenders who should be treated before being licensed again.

### State Highway Safety Agency Administrators

- State alcohol assessments should be utilized.
- This group committed to convene more alcohol forums at the state or regional level with state and regional professional associations, similar to this Summit.
- They will work to reenergize taskforces on DWI with specific agendas and meetings.
- Highway safety administrators recommended that the role and connection with judicial training be expanded to include prosecutor training and the National Association of Prosecutor Coordinators.
- An opportunity exists to make traffic record keeping more efficient through the use of model DWI information systems.
- Highway safety administrators said they would encourage federal leaders in their discipline to collaborate with other federal agencies to leverage funding resources.

### State Criminal Justice Agency Administrators

- The need for data and case law automation to allow for the seamless exchange of timely, accurate information was identified

as an important need.

- They recommended high quality training and continued education of law enforcement, prosecutors, public defenders and judges.
- They urged funding collaboration using several federal funding streams such as Department of Justice grant programs like the Edward Byrne Memorial Grant Program; Victims of Crime Act (VOCA) grants; and Juvenile Accountability Incentive Block Grant (JAIBG) Program; and National Highway Traffic Safety Administration (NHTSA) grants such as the state formula grants.

### **State Victim Services Agency Administrators**

- This practitioner group urged the inclusion of victims and victim groups in all areas of the DWI enforcement, prosecution and adjudication process.
- Victim services providers and their administrative agencies have much to contribute in terms of raising public awareness, working towards the prevention of DWI, and helping victims deal with emotional responses to trauma.
- Victim service agency administrators urged better information sharing between the criminal justice system components and victims of their rights to be heard.
- They emphasized that policymakers remember the human component in DWI statistics - that the injuries, death and risk of harm all involve human victims.

### **Public Defenders**

- Public defenders stated that they would like to work with others in the DWI system to make it work more efficiently.
- Public defenders welcomed open dialogue and joint problem solving, particularly in the area of technology integration to eliminate excessive paperwork and increase the speed and efficiency of the system.
- They support the use of social workers to do intake assessments, which can lead to more informed decision-making by the courts.
- Public defenders recommended loan forgiveness programs to help recruit and retain qualified public defenders in the same

way as recommended for prosecutors.

- Public defenders offered to assist in providing training to law enforcement in areas such as cross examination and courtroom procedures using such methods as mock trials and videotapes.
- Public defenders said they would work jointly with community and victims groups to reduce DWI.

### **Judicial Educators**

- Training and education of judges in specific areas should be developed using both live and distance learning.
- They support mandatory continuing judicial education.
- This group recommends using existing funding more appropriately and finding other creative sources for funding such as liquor taxes.
- Judicial educators emphasized the need to conduct more collaborative training at state and national levels.

### **Court Administrators**

- This group recommended a case management package. They offered the National Association for Court Management (NACM) and the Conference of State Court Administrators (COSCA) to produce a case management package to monitor DWI offenders. This package could be developed for \$500,000 through NACM and COSCA working with the National Center for State Courts (NCSC). They asked for funding to provide this product and service.

### **Judges**

- Judges recommended the expansion of DWI courts.
- They supported improvement of judicial education, particularly on DWI. They commended NHTSA for making judicial education part of state highway safety funding.
- They reported that mandatory minimum sentences cause problems for judges because they take away judicial discretion, slow trials, affect conviction rates, and contribute to jail overcrowding.
- They encouraged partnerships to share what works.



## Probation

- Those in probation recommended that agencies at the federal level work together on the DWI issue rather than just asking practitioners at the local and state level to work together. For example, NHTSA should work closely with the federal treatment agencies such as the Substance Abuse and Mental Health Services Administration, the Center for Substance Abuse Treatment, and the Center for Substance Abuse Prevention, in the Department of Health and Human Services, as well as with the U.S. Department of Justice. All of these federal agencies have funding streams that provide funds to states and a coordinated effort between these agencies would make it easier to collaborate at the state and local levels as well.
- These resources are needed to:
  - Implement triage and sober assessment centers to provide better screening and assessment of detainees. Such facilities can help jail administrators determine detainees' BAC level at intake and help them move such detainees into appropriate services.
  - Purchase or upgrade technology.
  - Provide funding to Alcohol Beverage Control (ABC) boards to help them enforce laws.
  - Raise public awareness on DWI in schools and in the general public. Posters and breath tests could be used in bars to encourage responsible behavior.
  - Develop a video that could be shown to offenders before they are permitted to be released from jail that would inform them of important facts about DWI. This would be utilized by corrections and jail administrators.

## Corrections and Jails

- Corrections and jail administrators recommended several innovative funding sources to support the correctional system,

for example, use the “cigarette tax concept” for alcohol and for establishments such as bars that sell alcohol.

- These resources are needed to:
  - Implement triage and sober assessment centers to provide better screening and assessment of detainees. Such facilities can help jail administrators determine detainees' BAC level at intake and help them move such detainees into appropriate services.
  - Purchase or upgrade technology.
  - Provide funding to Alcohol Beverage Control (ABC) boards to help them enforce laws.
  - Raise public awareness on DWI in schools and in the general public. Posters and breath tests could be used in bars to encourage responsible behavior.
  - Develop a video that could be shown to offenders before they are permitted to be released from jail that would inform them of important facts about DWI. This would be utilized by corrections and jail administrators.

## CONCLUSION

Each criminal justice system practitioner group reported their recommendations and commitments to the full Summit for improving the handling of impaired driving offenders in the criminal justice system. NHTSA Administrator Dr. Jeffrey Runge was supportive of the solutions and strategies presented for increasing effectiveness of the DWI system, and encouraged continued collaborations among the groups present. The

recommendations generated from the Summit were broad and represented the input of the many disciplines involved in all aspects of DWI cases. Much more work needs to be done, but it is hoped that this Summit will begin to build momentum in the fight against impaired driving. It is crucial that partnerships and coalitions among the systems' components be developed to bring the issue into the national spotlight and to move alcohol-related fatality rates down even further.

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## APPENDIX A

### Agenda

## **Criminal Justice Summit on Impaired Driving**

Sponsored by the National Highway Traffic Safety Administration in Cooperation with the National Criminal Justice Association

### **Agenda**

**November 21 and 22, 2002**

**Renaissance Washington Hotel, Washington, DC**

**Thursday, November 21, 2002**

8:30 a.m.

#### **Opening Plenary Session**

Welcome and Introductions

Cabell Cropper, NCJA Executive Director

Kay Chopard Cohen, NCJA Deputy Executive Director

Opening Address

Annette M. Sandberg, NHTSA Deputy Administrator

Welcoming Remarks

Richard Nedelkoff, Director, Bureau of Justice Assistance, U.S.  
Department of Justice

9:00 a.m.

#### **Overview and New Information on Impaired Driving**

Marilena Amoni, NHTSA Associate Administrator, Office of Program  
Development and Delivery

DWI System Improvements for Dealing with Hard Core Drinking Drivers -  
Enforcement

Dr. Herbert M. Simpson, Traffic Injury Research Foundation (TIRF)

Practitioner Perspective

Sgt. Deb Schroder, California Highway Patrol

10:00 – 10:15 a.m. **Break**

10:15 a.m.

#### **Breakout Groups on Enforcement Phase**

- Discuss problem resolution for problems identified in enforcement phase

11:30 – 12:00 p.m.

#### **Plenary Session**

- Review outcomes of breakout groups  
Kay Chopard Cohen, Conference Facilitator

12:00 – 2:00 p.m.

#### **Lunch and Plenary Session**

Drunk Driving – A Roadmap for Progress

Dr. Jim Hedlund

DWI System Improvements for Dealing with Hard Core Drinking Drivers -  
Prosecution

Robyn Robertson, TIRF

Practitioner Perspective

Steve Talpins, Assistant State's Attorney, Miami, Florida

- 2:00 p.m.                    **Breakout Groups** (same groups)
- Discuss problem resolution for prosecution phase
- 3:00 – 3:15 p.m.           **Break**
- 3:15 p.m.                    **General Session on Adjudication and Disposition of Impaired Driving Offenders**
- Robyn Robertson, TIRF  
                                    Practitioner Perspective  
                                    Judge Robin Smith, Midland, Texas
- 4:00 p.m.                    **Breakout Groups** (same groups)
- Discuss problem resolution in adjudication and disposition phase
- 5:00 p.m.                    **General Session**
- Review of breakout group progress and recommendations  
    Kay Chopard Cohen, Conference Facilitator

**Friday, November 22, 2002**

- 8:30 a.m.                    **General Session**
- Synthesis of reports and recommendations from previous day's breakout groups
  - Charge to new breakout sessions to make implementation plans
- 9:00 a.m.                    **Breakout Groups** (by discipline)
- Break will be provided in middle of breakout group
  - Apply recommendations to profession
  - Discuss next steps and make plans for implementation
- 11:30 a.m.                    **Lunch - General Session - Best Practices in Specialized Courts**
- C. West Huddleston, III, Director, National Drug Court Institute  
                                    Judge Michael Kavanaugh, Albuquerque, New Mexico
- 1:30 p.m.                    **Closing Plenary Session**
- Introduction of Dr. Runge  
    Kay Chopard Cohen, NCJA Deputy Executive Director
  - Implementation Plans and Reports by Practitioner Groups
  - NHTSA Remarks in Closing  
    Dr. Jeffrey Runge, NHTSA Administrator
- 3:00 p.m.                    Adjourn



## **APPENDIX B**

### **Biographical Sketches of Speakers**

## **Criminal Justice Summit on Impaired Driving**

November 21 and 22, 2002  
Renaissance Washington Hotel  
Washington, DC

### **Speakers' Biographical Sketches**

#### **Amoni, Marilena**

Marilena Amoni is the Associate Administrator, Program Development and Delivery, Traffic Injury Control Programs for the National Highway Traffic Safety Administration. She is responsible for program development, research and implementation in traffic safety behavioral programs including impaired driving, occupant protection, enforcement and criminal justice, emergency medical services, and motorcycle, bicycle, pedestrian and pupil transportation safety. She also serves as the agency's liaison with numerous public and private organizations nationally.

Marilena Amoni has over two decades of experience in the field of highway safety in both behavioral and vehicular programs. She began her career in the Presidential Management Intern Program as a program analyst. She has held several management and policy positions in Traffic Safety Programs related to injury control, community based programs, occupant protection, police traffic services and emergency medical services. She has been recognized nationally for her outstanding performance as a leader in the field of traffic safety management.

#### **Beer, Pamela M.**

Pam Beer is the owner of PMB Communications, a communications and marketing company specializing in media and legislative advocacy and assistance for community coalitions. She currently does work in the area of impaired driving and underage drinking prevention. Current clients include the Century Council, the Governors' Highway Safety Association, the National Highway Traffic Safety Administration, the National Commission Against Drunk Driving, AAA, and Mothers Against Drunk Driving.

Prior to forming PMB Communications, Ms. Beer was the Executive Director of the Washington Regional Alcohol Program, better known as WRAP. While at WRAP, she planned and implemented two major public information and education campaigns each year, one of which was cited by the Rand Corporation as a model for public information. She also produced several television public service announcements and was recognized on the Emmy awards for her assistance on a half-hour television show produced by W\*USA-TV on teen drinking and driving.

Ms. Beer is a native of Utah and came to Washington to work on Capitol Hill where she served as press secretary to two members of the U.S. House of Representatives, and subsequently as a lobbyist for a national trade association.

#### **Chopard Cohen, Kay**

Kay Chopard Cohen is the deputy executive director of the National Criminal Justice Association (NCJA), the nonprofit association representing state and local government and criminal justice system practitioners on issues of crime control and public policy. In this capacity, Ms. Chopard manages projects ranging from domestic violence issues to the creation of a national center for criminal justice planning to assist states to cultivate community-based criminal justice planning. In nearly every state she has served as a consultant, facilitator, and educator in faculty development and adult education, as well as teaching on a variety of criminal justice issues. She also provides technical assistance and consultation on developing and implementing state and local crime control and prevention strategies. Ms. Chopard has served for many years on the faculty of several continuing legal education institutions and organizations such as the National Judicial College, the National Institute for Trial Advocacy, the National Center for State Courts

and the National Association of Prosecutor Coordinators. Previously she acted as a liaison to state and local elected officials for the National Highway Traffic Safety Administration in Washington, DC for 10 years. Ms. Chopard is also a former prosecutor, solo law practitioner, and assistant attorney general in Iowa. She received her juris doctorate degree from the University of Iowa in Iowa City, Iowa and her BA in American Studies, German and Education at Simpson College in Iowa.

### **Cropper, Cabell C.**

Cabell C. Cropper is the executive director of the National Criminal Justice Association (NCJA), the nonprofit association representing state and local government on issues of crime control and public policy. Mr. Cropper serves as the principal liaison between state and local units of government, the various agencies of the U.S. government, and criminal justice interest groups. In consultation with the NCJA board of directors, Mr. Cropper develops and implements programs and policies to accomplish NCJA's mission to foster the development of criminal justice systems in states and units of local government that enhance public safety; that prevent and reduce the harmful effects of criminal behavior on individuals and communities; that adjudicate defendants and sanction offenders fairly and justly; and that use their resources effectively and efficiently. He also provides technical assistance and consultation on developing and implementing state and local crime control and prevention strategies.

Mr. Cropper served as director of management and administration for the American Prosecutors Research Institute (APRI) for 11 years, where he supervised a staff of 39 providing training, technical assistance, and research services to prosecutors and related professionals nationwide and overseas. Mr. Cropper also has served as a program consultant with the New York State Division of Probation; as a probation specialist with the Colorado Judicial Department; and as a probation officer with the Denver, Colo., district court. Between 1968 and 1972 he was a Peace Corps volunteer, providing technical assistance and training to small business cooperatives in Honduras and Panama.

Mr. Cropper received a bachelor of arts degree from the School of International Service at The American University (D. C.), a master of public administration from the University of Colorado, and a master of business administration from the New York University Graduate School of Business Administration. He is bilingual in English and Spanish.

### **Hedlund, Jim**

Dr. Jim Hedlund works on a variety of traffic safety research, policy and management projects from the backwoods of Ithaca, New York. He previously served in several positions at the National Highway Traffic Safety Administration, most recently as Associate Administrator for Traffic Safety Programs. In 1991 he helped organize, conduct, report on, and implement the recommendations of NHTSA's Traffic Safety Summit for prosecutors and judges.

### **Huddleston, III, C. West**

C. West Huddleston, III is the Director of the National Drug Court Institute (NDCI), the education, research and scholarship arm of the National Association of Drug Court Professionals (NADCP). He is a Board Licensed Substance Abuse Counselor with 10 years of clinical experience working with misdemeanor and felony offenders on the county, state, and federal levels.

Prior to being named Senior Director of NDCI, Mr. Huddleston worked throughout the Tennessee and Oklahoma Department of Corrections developing, implementing and operating offender-specific, substance abuse treatment programs. In doing so, he helped design and implement the first therapeutic community and work camp, the "Bill" Johnson Correctional Center (BJCC), within the Oklahoma Department of Corrections, winning the Governor's Team Excellence award for that

project. He has also served as the Director of two community corrections programs and as the Interim Director of a 125-bed pre-release correctional center. In addition, he co-designed and implemented the first drug court in Oklahoma; that court has served as a Mentor Court for the U.S. Department of Justice, Office of Justice Programs, Drug Court Program Office, since 1996.

Mr. Huddleston has published several articles and monographs on drug courts, in-custody substance abuse treatment and reentry courts. He has served as a consultant to the National Institute of Justice and the Office of Justice Programs within the U.S. Department of Justice as well as the Oklahoma and Tennessee Departments of Correction. He is currently a member of the Substance Abuse Committee of the American Correctional Association and the Training and Curriculum Committee for New York State Courts' Drug Treatment Initiative.

### **Kavanaugh, J. Michael**

Hon. Michael J. Kavanaugh is the Bernalillo County Metropolitan Court Judge in Albuquerque, New Mexico. Judge Kavanaugh received his law degree from the University of New Mexico School of Law in 1984. He practiced law with Northern New Mexico Legal Services in Las Vegas, New Mexico, before becoming a Public Defender in Albuquerque. Judge Kavanaugh went into private practice from 1989 until his appointment to the bench in 1991.

Judge Kavanaugh served as a member of the statewide DWI Task Force, the New Mexico Drug Court Task Force, the Domestic Violence Task Force, the Metropolitan Criminal Justice Coordinating Council, and has served on a number of Supreme Court appointed committees. Judge Kavanaugh began an alcohol-based Drug Court in July 1997, and serves as a Drug Court Judge, in addition to carrying a caseload.

Judge Kavanaugh was a faculty member with the Justice Management Institute's Drug Court Training Program in 1999 and is currently a faculty member with the National Drug Court Institute (NDCI). In June 1999, Judge Kavanaugh's Drug Court was named by the NDCI as the only DWI Drug Court Mentor Court in the United States.

### **Nedelkoff, Richard**

On June 5, 2001, President George W. Bush nominated Richard R. Nedelkoff to serve as the Director of the Bureau of Justice Assistance. The U.S. Senate confirmed him on September 14, 2001. As an administrator in five states, Richard Nedelkoff has created juvenile justice and criminal justice programs that serve as models for agencies across the country. The central theme of his diverse 21-year career in public service has been his work to reduce bureaucracy, produce quick results, implement innovative programs, and find solutions to problem situations.

Mr. Nedelkoff previously served as executive director of the Governor's Criminal Justice Division in Texas, a \$140 million grant agency that administers 17 state and federal funds for juvenile justice, criminal justice, and victims services grants. He also served as regional director of the Florida Department of Juvenile Justice and as executive director of the Florida Network of Youth and Family Services, a statewide coalition of agencies serving trouble youths and their families. Mr. Nedelkoff has held a variety of positions in the states of Ohio and Kentucky, including child protective services caseworker, youth care worker, foster care coordinator, and detention manager. He also taught criminal justice and juvenile justice classes at Capital University. Later, working in Virginia and Texas, he gained useful experience working with the court system to improve the administration of justice.

A native of Ohio, Mr. Nedelkoff received a Bachelor of Science in Criminal Justice from Bowling Green State University in 1980. He later earned a Master of Science degree in Administration of Justice from the University of Louisville where he graduated with high honors. In 1986, he received his Juris Doctorate from Capital University Law School in Columbus, Ohio.



**Robertson, Robyn**

Robyn Robertson is a Research Associate with the Traffic Injury Research Foundation (TIRF), a non-profit, independent road safety institute. She received her Masters degree in Criminology and has worked for the Solicitor General of Canada and Members of Parliament in the areas of correctional policy and legislation. Ms. Robertson is also a part-time instructor for the Police Foundations Program where, for the past six years, she has taught criminological theory, the criminal justice system, and criminal and civil law. For the past two years at TIRF, she has served as co-principal investigator on a major study that is examining ways to improve the efficiency and effectiveness of the DWI system for dealing with hard core drinking drivers. She is also co-principal investigator on a parallel study, using a case attrition approach that shows how official statistics seriously underestimate the problem of the repeat DWI offender.

**Runge, M.D., Jeffrey W.**

Dr. Jeffrey W. Runge, National Highway Traffic Safety Administration Administrator, is a nationally recognized physician expert in motor vehicle injury care and prevention. A researcher and educator in emergency medicine, he has focused on the area of injury prevention and control, with a particular interest in motor vehicle injuries. His passion for reducing injuries comes from being an emergency physician in North Carolina's busiest trauma center, treating over 30,000 injuries yearly, 10,000 of which are motor vehicle-related.

Dr. Runge is certified by the American Board of Emergency Medicine. He served on the faculty of the Emergency Medicine Residency at Carolinas Medical Center in Charlotte, N.C. from 1984 until he was appointed as Administrator of NHTSA. His undergraduate degree is from University of the South, Sewanee, Tenn. He received his medical degree from the Medical University of South Carolina in 1981 and completed his residency in Emergency Medicine at Charlotte Memorial Hospital and Medical Center in 1984. He was most recently the Director of the Carolinas Center for injury Prevention and Control.

Dr. Runge was on the Trauma Care and Injury Control Committee and the Research Committee of the American College of Emergency Physicians. He is a past President of the North Carolina College of Emergency Physicians and the Speaker of the North Carolina Medical Society.

**Sandberg, Annette M.**

National Highway Traffic Safety Administration (NHTSA) Deputy Administrator Annette M. Sandberg is a nationally recognized expert on law enforcement and traffic safety. As Chief of the Washington State Patrol for 6 years, Ms. Sandberg led an agency with a biennial budget of \$321 million and more than 2,200 employees. When appointed to the position in 1995, she was the first woman in the country to lead a state police agency. Her passion for highway safety comes from more than 17 years in a variety of law enforcement, supervisory and administrative posts with the Washington State Patrol.

As NHTSA Deputy Administrator, Ms. Sandberg is second in command at an agency of more than 600 employees with a \$419 million annual budget. An attorney by training, Ms. Sandberg received her law degree from the University of Puget Sound School of Law in 1993. In 1988, she received an MBA from City University in Bellevue, WA, graduating Magna Cum Laude. In 1996, she was selected to attend an executive institute at Harvard University's John F. Kennedy School of Government. She was also chosen to attend the FBI's National Executive Institute in 1998.

In 1996, Ms. Sandberg was named "Woman of Achievement" by Women in Communications, Inc. In 1999, she was presented the "National Public Service Award" of the American Society for Public Administration and the National Academy of Public Administration. She has served as the Vice President and Executive Board Officer of the Washington State Patrol Troopers Association. In addition, she has served on several national panels on issues related to ethnicity and race relations in law enforcement.

Prior to her appointment as NHTSA's Deputy Administrator by President Bush in February 2002, Ms. Sandberg was engaged in the practice of law. In 2001, she was "Of Counsel" with the Maple Valley Law Group, representing employers in labor and employment matters.

**Schroder, Deborah A.**

Deborah A. Schroder, Sergeant, has been a member of the California Highway Patrol for twelve years. After serving one year in Los Angeles, she transferred to the San Jose Area where she remained for seven years. During her tenure in San Jose she became certified as a Drug Recognition Expert (DRE). In 1996, she was selected to work with the Bureau of Narcotics Enforcement as an undercover narcotics agent. Her duties included the investigation of controlled substance and asset forfeiture violations. In 1998, she was promoted to the rank of Sergeant and accepted a position in Redwood City. She soon became certified as a DRE Instructor and began teaching DRE in the classroom and conducting field certifications in San Francisco's Mission District. In August 2000, she accepted her current position at the California Highway Patrol Academy.

Sgt. Schroder continues to teach CHP and allied agency officers and CHP cadets subjects relating to drug and alcohol impairment. Additionally, she supervises the Driving Under the Influence (DUI) Unit and the statewide DRE Program. Sergeant Schroder currently holds a position on the International Association of Chiefs of Police (IACP) Technical Advisory Panel (TAP) for Drug Evaluation Classification (DEC). This panel is responsible for recommendations affecting the DEC programs, which include Standardized Field Sobriety Testing and the DRE Program. The state of California currently has over 2000 certified DREs within 154 law enforcement agencies. As California's Statewide Coordinator she acts as an information clearinghouse and central communication point for IACP, Agency DRE Coordinators, statewide and national DREs, and the coordinator of all DRE training within the state of California.

**Simpson, Herb**

Dr. Herb Simpson is President & CEO of the Traffic Injury Research Foundation (TIRF). He received his Ph.D. from the University of Western Ontario, and undergraduate degrees from the University of British Columbia. He was Associate Professor of Psychology at Carleton University until 1975. Previously he was a Clinical Psychologist in the Federal Penitentiary System and a Professor of Psychology at several universities.

Dr. Simpson serves on numerous national and international road safety boards and committees, including the International Council on Alcohol, Drugs and Traffic Safety; the Board of the National Safety Council Committee on Alcohol, Drugs and Traffic Safety; and the Canadian Society of Forensic Sciences Committee on Drugs and Driving. Dr. Simpson also previously served as a Board Member of MADD Canada, President of the International Council on Alcohol, Drugs and Traffic Safety and the Canadian delegate to the World Health Organization on Elderly Road Users.

Dr. Simpson has been recognized for his contributions, particularly in the areas of young drivers and drinking-driving, and has received a number of prestigious awards for them. These include the "Widmark Award" from the International Council on Alcohol, Drugs and Traffic Safety (1992); the "Award of Merit" from the Association for the Advancement of Automotive Medicine (1993); the "Ontario Safety League's Distinguished Service Award" (1995); and the "Gordon O'Hearn Memorial Award" from the Driving Schools Association of Ontario (1991);

During his 27-year career in traffic safety, he has produced several hundred reports and articles on traffic safety issues, is a member of the editorial board of several journals, and a consultant to government and industry around the world.

**Smith, Robin D.**

Judge Robin D. Smith is the Presiding Judge of the City of Midland Municipal Court. He has served in that position since November of 1984. Prior to that appointment, he practiced law as a prosecutor for the City of Midland in 1982-83 and operated as a solo practitioner in 1983-84.

Judge Smith's educational accomplishments include a Bachelor's degree in Economics and Psychology from Oklahoma State University and his Juris Doctorate from Texas Tech University.

His professional association work includes serving as Chair of the State Bar of Texas Municipal Judges Section in 1989-90 and President of the Texas Municipal Courts Association (TMCA) in 1991-92. He served on the TMCA Board of directors from 1986-1997 and again in 2001 to the present. In August 1997, he completed a term as the Chair of the American Bar Association's National Conference of Special Court Judges. In 1997, Judge Smith was appointed by Chief Justice Tom Phillips to serve on the Texas Judicial Council where he served until 2001.

Among honors, the Texas Municipal Courts Association named Judge Smith Judge of the Year in June 1998 and the State Bar of Texas Municipal Judges Section presented Judge Smith with the Michael J. O'Neal Outstanding Jurist Gavel Award in 2002. In 2001, Judge Smith was presented the American Bar Association's National Conference of Special Court Judges' Education Award. Judge Smith also was recognized by the Texas Junior Chamber of Commerce as one of Five Outstanding Young Texans in 1994 and is a four-time winner of the City of Midland Management Awards.

He is a frequent speaker for several groups including the National Judicial College and the Texas Municipal Courts Education Center. In addition, he has spoken at judicial training seminars in Arizona, South Carolina and Nevada. He is considered to have expertise in the areas of search and seizure, constitutional criminal procedure and juvenile law.

In addition to his activities and position at the Midland Municipal Court, he edits and publishes the Texas Municipal Court - Justice Court News, which has more than 800 monthly subscribers.

**Talpins, Stephen K.**

Stephen K. Talpins is an Assistant State Attorney with the Miami-Dade County (Florida) State Attorney's Office (SAO). Mr. Talpins is the Chief of the County Court Division. He supervises between 30 and 50 Assistant State Attorneys in the prosecution of over 100,000 misdemeanor cases, including 6,000 Driving Under the Influence (DUI) cases, each year. Mr. Talpins also serves on the Statewide Technical Advisory Committee on DWI Enforcement and Prosecution and the Miami-Dade County Association Chiefs of Police (DCACP) Traffic Enforcement Committee.

In 1994 and 1995, Mr. Talpins served as Deputy Chief, then Chief, of the DWI/Traffic Division. During that time, Mr. Talpins helped re-write the SAO's DWI/Traffic training manual and won en masse hearings regarding the police departments' failure to videotape DWI subjects and the admissibility of low volume breath samples. Additionally, Mr. Talpins prepared for, argued and won a precedent setting en masse Frye hearing concerning the admissibility of Drug Recognition Expert (DRE) testimony and evidence, including the field sobriety and horizontal gaze nystagmus tests. The National Commission Against Drunk Driving recognized Mr. Talpins' efforts in bestowing its Adjudication Award for Outstanding Prosecution on him. Mothers Against Drunk Driving (MADD) have also honored Mr. Talpins.

In 1995, the SAO promoted Mr. Talpins to the Felony Division. In 1997, Mr. Talpins helped create the SAO's Multi-Agency Gang Strike Force (GSF). Mr. Talpins prosecuted gang racketeering (RICO) cases from 1997 until 2000, when the SAO promoted Mr. Talpins to a Division Chief position in the Felony Division. In 2001, the SAO promoted Mr. Talpins to Chief of the County Court Division.

Mr. Talpins authored several articles pertaining to the DRE program and its components, and

lectured or presented on DWI and DRE issues for a myriad of groups. Mr. Talpins graduated from Northwestern University with a BS in Speech Communications in 1989. He graduated from the University of Miami School of Law, cum laude, in 1992.

**Trimble, Angelo V.**

Angelo Trimble currently serves as a Technical Assistance Specialist for the Alabama Coalition Against Domestic Violence, providing education and organizational leadership in the development of domestic violence task forces and community councils, and in the court-related matters.

He retired from the Alabama Administrative Office of Courts in September 1998, having served for 17-½ years as Director of the Municipal Court Division and 2-½ years as Director of the Alabama Judicial System Study Commission.

He continues to perform volunteer services with the Administrative Office of Courts and serves as a resource to the Alabama and Mississippi Judicial Colleges. He serves on several local, state and national committees and projects and has written several technical handbooks that are still in use by the judicial system, including a booklet for training justice and non-justice agencies entitled Domestic Violence: Peace on Earth Begins at Home.

He recently served as a facilitator in the Regional Full Faith and Credit Conferences conducted by the National Center for State Courts and National Criminal Justice Association. He serves on committees for the Family Violence Prevention Fund and National Council for Juvenile and Family Court Judges, and National Criminal Justice Association.

Mr. Trimble also served on the Prosecution and Adjudication Implementation Group for the National Highway Traffic Safety Administration (NHTSA) coming out of the Traffic Summit II. Mr. Trimble has provided expertise to the NHTSA on adjudication matters regarding impaired driving and highway safety for many years.

## APPENDIX C

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## APPENDIX D

### Breakout Sessions



**Criminal Justice Summit on Impaired Driving**  
November 21 and 22, 2002

**DISCUSSION GROUP MATERIALS**

**General Guidelines for Breakout Session**  
**OVERARCHING THEMES**

**WHY**

- Impaired driving is a public safety and crime control issue that effects quality of life at the community level
- Impaired driving is a criminal justice issue and not just a highway safety issue
- To save lives, reduce recidivism and improve the handling of impaired driving offenders in the criminal justice system requires the work and input from the entire criminal justice system

**WHAT**

- Identify the gaps, problems and challenges in the criminal justice system in the handling of impaired driving offenses
- Assess current and proposed solutions and strategies to be taken to improve the system
- Formulate implementation of solutions and strategies to improve the criminal justice system by action planning and commitment of resources

**HOW**

- Assess existing or proposed solutions and identify other innovative solutions that may be possible
- Build relationships across disciplines and professional organizations
- Apply learning from other disciplines, other crime control problem solving processes, and new partnerships forged at the Summit to effect change and improvement in the criminal justice system as a whole
- Generate interest in continuing this effort throughout the criminal justice system to move the issue beyond the highway safety community

**Breakout Session on Enforcement Phase**

*Intended Outcomes*

- Review problem identification found in research and identify additional problems or challenges in the criminal justice system in the handling of impaired driving offenses
- Review solutions provided by research and brainstorm additional innovative solutions to problems identified in research and by the group
- Select priorities among the problems identified and the solutions proposed
- Identify existing resources that may be brought to bear to effect change and improvement in the criminal justice system
- Assess individually how the solutions and priorities identified may apply to each discipline
- Consider measures to evaluate accomplishments and progress

*Agenda*

1. Get acquainted – round robin by name, where are you from, position in relation to the criminal justice system.
2. List or review list of problems identified by the research. Brainstorm as a group any other problems, gaps or challenges in the enforcement phase of handling impaired driving offenses that the research did not list.

3. Prioritize as a group the problems or challenges that should be addressed using both the lists of challenges identified by research and those identified by the group.
4. Review solutions provided in the research. Discuss other possible innovative solutions especially to challenges not listed in the research. What can be done to fix the challenges and what will it take?
5. Identify resources in the system at any level (local, county, state or federal) that could assist in implementing the solutions. Are there existing programs or resources that could be the basis on which build and effect change?
6. Assess how these recommended solutions would impact each discipline. Discuss the commitments and action steps needed to effect change and implement these solutions. Who needs to be involved? Is work being done that is related or could be leveraged to address these issues?
7. Be prepared to take this input to the breakout sessions on Friday to discuss the commitments and action needed in your profession.
8. Consider measures that could be used to evaluate whether anything happens after this Summit including the impact of these recommendations on the criminal justice system and any accomplishments that result.

### Research Identified Challenges in the Enforcement Phase of Handling Impaired Driving Offenses

PROBLEM	SOLUTION
1. Paperwork	Simplify and standardize forms; use technology
2. Test refusal	Increase penalties – both civil and criminal; admit refusals as evidence at trial
3. Detection	Increase training, especially on HGN; use technology
4. Incomplete evidence	Simplify arrest processes; better training in the collection of evidence
5. Medical cooperation	Improved communication and open meetings with hospital administration; joint policy development
6. Failure to appear	Increase penalties for FTA; innovative techniques and technology; increase interstate cooperation and relations
7. Access to records	Improved linkages and record keeping of criminal and driver records; improved access to records through use of technology
8. Testimony	Workshops with prosecutors; mentoring programs; use of mock trials
9. Resources	Re-allocation of existing resources

## Breakout Session on Prosecution Phase

### *Intended Outcomes*

- Review problem identification found in research and identify additional problems or challenges in the criminal justice system in the handling of impaired driving offenses
- Review solutions provided by research and brainstorm additional innovative solutions to problems identified in research and by the group
- Select priorities among the problems identified and the solutions proposed
- Identify existing resources that may be brought to bear to effect change and improvement in the criminal justice system
- Assess individually how the solutions and priorities identified may apply to each discipline
- Consider measures to evaluate accomplishments and progress

### *Agenda*

1. Brainstorm as a group any problems, gaps or challenges in the prosecution phase of handling impaired driving offenses that the research did not list.
2. Prioritize as a group the problems or challenges to be addressed using both the lists of challenges identified by research and those identified by the group.
3. Review solutions provided in the research. Discuss other possible innovative solutions. What can be done to fix the challenges and what will it take?
4. Identify resources in the system at any level (local, county, state or federal) that could assist in implementing the solutions. Are there existing programs or resources that could be the basis on which to build and effect change?
5. Assess how these possible solutions would impact each discipline. Discuss the commitments and action steps needed to effect change and implement these solutions. Who needs to be involved? Is work being done that is related or could be leveraged to address these issues?
6. Be prepared to take this input to the breakout sessions on Friday to discuss the commitments and action needed in your profession.
7. Consider measures that could be used to evaluate whether anything happens after this Summit including the impact of these recommendations on the criminal justice system and any accomplishments that result.

## Research Identified Challenges in the Prosecution Phase of Handling Impaired Driving Offenses

PROBLEM	SOLUTION
1. Evidentiary issues	Consistent use of validated SFSTs; greater officer training; better communication between officers and prosecutors
2. Test refusal	Make refusals a criminal offense; make penalties substantial
3. Motions and continuances	Timely access to state-specific cases and rulings; adherence to processing guidelines

4. Records	Maintain records for the look-back period in DWI statutes; standardized court reporting practices; standardized record-keeping practices and driver abstracts; records of diversion programs
5. Inadequate or inconsistent penalties	Tiered penalties; stricter sentencing guidelines; dedicated DWI courts; education for all criminal justice professionals
6. Failure to appear	Hold defendants with past FTA's in custody until trial; impose significant bail; create and impose increased penalties for FTA
7. Legislative complexities	Comprehensive legislative review to correct inconsistencies and loopholes; involve all criminal justice professionals in the review process
8. Expert witnesses	Create a databank on expert testimony; states should hire a small number of expert witnesses to testify; hold <i>Frye</i> hearings
9. Plea agreements	Restrict content of plea agreements; require reasons for plea agreement in the court record
10. Prosecutor training	More training; opportunities to meet with other DWI prosecutors; specialized training courts; use turn-over binders; vertical prosecutions; recognition of DWI prosecutors

## Breakout Session on Adjudication and Disposition Phase

### *Intended Outcomes*

- Review problem identification found in research and identify additional problems or challenges in the criminal justice system in the handling of impaired driving offenses
- Review solutions provided by research and brainstorm additional innovative solutions to problems identified in research and by the group
- Select priorities among the problems identified and the solutions proposed
- Identify existing resources that may be brought to bear to effect change and improvement in the criminal justice system
- Assess individually how the solutions and priorities identified may apply to each discipline
- Consider measures to evaluate accomplishments and progress

### *Agenda*

1. Brainstorm as a group any problems, gaps or challenges in the adjudication and disposition phase of handling impaired driving offenses that the research did not list.
2. Prioritize as a group the problems or challenges to be addressed using both the lists of challenges identified by research and those identified by the group.
3. Review solutions provided in the research. Discuss other possible innovative solutions. What can be done to fix the challenges and what will it take?
4. Identify resources in the system at all levels that could assist in implementing the solutions.

Are there existing programs or resources that could be the basis on which to build and effect change?

5. Assess how these possible solutions would impact each discipline. Discuss the necessary commitments and action steps. Who needs to be involved? Is work being done that is related or could be leveraged to address these issues?
6. Take this input to the breakout sessions on Friday to discuss the commitments and action needed in your profession.
7. Discuss measures to evaluate what happens after this Summit, including the impact of these recommendations on the criminal justice system and any accomplishments that result.

### **Research Identified Challenges in the Adjudication and Disposition Phase of Handling Impaired Driving Offenses**

PROBLEM	SOLUTION
1. Sentence monitoring	Centralize reporting process through probation; increased contact with offender; specialized DWI courts
2. Evidentiary issues	Opportunities for judicial education on DWI evidentiary issues; legislation on refusals and to simplify statutory requirements for arrest and procedures
3. Caseload	More judges to reduce caseloads; specialized DWI courts; mandatory alcohol evaluations
4. Motions and continuances	Stricter adherence to case processing guidelines
5. Failure to appear	Make bond/bail conditions of release on arrest warrants for FTA; hold offenders in custody; develop transportation and cost-sharing agreements between neighboring jurisdictions
6. Records	Improve quality of data gathered; uniform driver abstracts; pre-sentence reports; alcohol evaluation certificate a condition of bond
7. Sentencing Disparity	Access to scientific evaluations of sanctions; expand use of DWI courts; tiered penalties
8. Mandatory minimum sentences	Include alternative and creative sentencing options in mandatory minimums; update legislation; allocate more resources to permit sentences to be imposed
9. Juries	Evidence of test refusal should be admissible at trial; admit evidence of priors; eliminate jury trial option

## Breakout Session on Implementation

### *Intended Outcomes*

- Review and apply to your profession the recommendations from the first day of the Summit
- Select priorities among the recommendations of solutions
- Assess existing resources of all types and similar activity or programs
- Identify what needs to happen next and who needs to be on board and involved
- Establish a time line for taking next steps
- Determine benchmarks for measuring progress and assessing direction of work activity

### *Agenda*

1. Get acquainted – round robin with group by name, position, and where you come from
2. Review synthesis of recommendations of challenges and solutions for improving the criminal justice system handling of impaired driving offenses. Identify which recommendations apply directly to your profession and which recommendations you could offer assistance to others. (For example, lending assistance in seeking legislation, working to put together joint training with other professions, and so on.)
3. Prioritize the applicable recommendations and ideas.
4. Identify existing resources, projects that may be related or similar, individuals or organizations with expertise that can provide assistance, and so forth.
5. Brainstorm what the next steps need to be. Include who must be on board with these ideas and who must be involved. Think both short term and long term. Be concrete as possible.
6. Select what are the necessary actions that will form the building blocks for accomplishing change. Draft a time line for taking this action.
7. Define benchmarks for determining progress and for determining course corrections as needed.
8. Commit to follow through with the implementation. Plan for your commitment.





## **APPENDIX E**

### **Results of Breakout Group Discussions**

## **Breakout Session One—Enforcement**

### ***TOP PRIORITIES AND SOLUTIONS IDENTIFIED BY ALL PARTICIPANTS***

#### **1. DETECTION**

Solutions:

⇒ Training

- General
  - Explore sources of training- prosecutor's offices can advise what is needed to make a case
  - Provide training in the use of technology - in-car video, PAS screeners
  - Explore on-line, web-based training and use of CD-ROMs
- Content
  - Uniform across all states
  - All aspects, i.e., evidence; prosecution – “how to build a case”
  - Basic SFST training
  - State statutes/case law
  - How to testify
  - DWI training at the academy level – 40 hours for all patrol officers
  - Increased advanced training for DRE
  - Nontraditional approaches i.e., visits to emergency rooms, victim impact panels, criminal and civil trial training
  - Alcohol tolerance; how to detect the subtle signs of impairment, i.e. marijuana
  - How to use HGN and advanced training on drug toxicology

⇒ Strategies

- Obtain legislative support for checkpoints (legalize in states where not allowed), and provide better detection at checkpoints
- Reward/recognize officers and agencies for DWI enforcement
- Increase staffing in traffic units
- Increased resources and funding

⇒ Communication/Coordination

- Need law enforcement as well as court/administration officials to make DWI referrals to the medical profession for help with detection
- Increase communication between interested parties – work together & share information

⇒ Adjudication Related Issues

- Preliminary breath testing unreliable and on-site drug test not admissible in court
- Make HGN results admissible in court—some states have trouble admitting results in court due to foundation issues
- Look at per se laws to allow prosecution of drug users (problem without zero tolerance laws)
- Internal possession laws
- State BAC laws inadequate – not all states have mandatory BAC

#### **2. RESOURCES**

Solutions:

⇒ General

- Make issue a priority
- Use specialized dockets for DWI adjudication, e.g., special day in court for DWI

⇒ Funding

- Require cost recovery from DWI defendants
  - e.g. Miami-Dade County has a cost recovery process in which the defendant pays the fine as a condition of probation. So far the agency has collected \$130,000, which is about a 5-10% recovery rate. Fines are given to the county in which the arrest was made. Change policies and procedures regarding officers in court.

- Charge individual for cost of test
- Make sure appropriate funding is available — be creative with funding sources; coordinate resources among the agencies, locate alternative funding.
- Identify ways to reach smaller departments to help fund their training, such as web-based learning- smaller departments have greater difficulty in getting training and impaired driving may not be a priority
- Resolve competing overtime issues
- More officers are being assigned to protective detail (e.g. the federal government requires officers to guard highway construction projects)
- Be realistic, e.g., many do not budget for court time
- Funding for toxicology labs; utilize toxicologists more
- Identify “Best Practice” to maximize use of funds

### 3. PAPERWORK (information sharing)

Solutions:

⇒ General

- Provide funding for technology (computers, in car video)
- Develop standardized forms, terms/technology (this leads to better testimony, increased conviction)
- Electronic subpoenas, citations and report writing
  - e.g. Miami-Dade—citation—NCIC—downloads on ticket and is justified by cost savings and reduced errors
- Document process is time consuming (regional booking in Maryland)
- One system from arrest—everyone is in the loop
- Identify key elements of SFSTs; driving behavior
- Streamline-this would help prosecute
- Need national leadership to reduce paperwork

### 4. TEST REFUSAL

Solutions:

⇒ Increased penalties

- Make refusal admissible in court as evidence of admission of guilt
- Same charge if refusal occurs (criminal and civil)
- Make refusal a crime
  - Crime in all states
  - May raise constitutional issues (implied consent may deal with constitutional issues)
  - Enact statutes forcing blood withdrawal; this requires statutory change across the board, not just when injury occurs
  - Make medical tests admissible
  - Make refusal more costly than cooperation (Sentence enhancement for refusal, particularly for repeat offenders)

⇒ Telephonic search warrants

⇒ Better definitions of refusals (definition varies by state)

### 5. ACCESS TO RECORDS

Solutions:

- ⇒ Make records easy to understand and easily accessible across state lines
- ⇒ Standardize records from state to state
- ⇒ Chief justice requested implementation of a standard system for all states

### 6. LACK OF COMMUNITY RESPONSE/AWARENESS

Solutions:

- ⇒ Increase public concern and awareness of the consequences of DWI
- ⇒ More partnerships with the media

- More public service announcements concerning DWI; current drug psa's that link with terrorism issue are good examples
  - More drink responsibly ads
  - Posters showing consequences (DWI is a crime, can lead to jail time, may cause death, show statistics)
- ⇒ Educate children in schools (youth of pre-driving age); some parents may set negative example with regard to drinking and driving.

## **Breakout Session Two—Prosecution**

### ***TOP PRIORITIES AND SOLUTIONS IDENTIFIED BY ALL PARTICIPANTS***

#### **1. RESOURCES**

##### *Solutions:*

- ⇒ Increase grants/funding/resources for defense (90 percent of defenders are indigent) – blend funding
- ⇒ Gain public support
- ⇒ Insurance companies could pay for treatment if ordered by courts
- ⇒ Improve access to the latest technology to expedite case processing
- ⇒ Jails are overcrowded with driving crimes—release prisoners, use alternatives
- ⇒ Law students could handle victim notification, law enforcement contacts, and act as “paralegal”
- ⇒ Peer assistance (state prosecutor association)
- ⇒ Define priorities for incarceration—community alternatives
  - Research indicates that corrections based treatment is far less effective than community based treatment. An effective process would include: 1.) Prisoner segregation from the general population, 2.) Treatment should also begin as the prisoner nears the end of his/her sentence, and 3.) Need aggressive follow-up treatment in the community
- ⇒ Address the mentally ill persons while they are in jail, not when they are released
- ⇒ Identify best practices—i.e. day reporting center; research; take into account that prosecutors and law enforcement officers are involved
- ⇒ Implement consistent sentencing
- ⇒ Establish drug courts

#### **2. TRAINING**

##### *Solutions:*

- ⇒ Implement collaborative efforts—judges, prosecutors, and defense lawyers. Bring in the American Bar Association to do peer-to-peer training
- ⇒ Leadership support for training; leaders often fail to prioritize training – if training was prioritized, training would be available
- ⇒ Need to keep the content of the training current – new laws, changes
- ⇒ Ensure training on HGN and SFSTs
- ⇒ Accessibility of training – involves manpower (lack thereof), training available, but do not have sufficient personnel to allow interested persons to attend
- ⇒ Need hands-on training and ride-a-longs
- ⇒ Need joint enforcement/prosecutor training, e.g. Protective Lives, Saving Future – joint training for prosecutors and law enforcement officers – uses mock trials including exercises where officers are prosecutors and prosecutors are officers. Another exercise – have each group list their top 5 complaints about the other group and share them
- ⇒ Create a state prosecutor coordinator position – to handle research & expert witness issues
- ⇒ Use technology to train – Web-based; CD-ROM training (NHTSA has such training)
- ⇒ Provide cross-disciplinary training of judges, prosecutors, and defense bar

- ⇒ Quality of prosecutors needs improvement
- ⇒ Need for mentoring programs
- ⇒ Provide incentives to retain DWI prosecutors and public defenders
- ⇒ Train the training agencies for prosecutors and public defenders
- ⇒ Identify the national standards for the prosecutors relating to hours of training required to maintain bar card.
- ⇒ Increase the minimum number of hours of training regarding DWI prosecution. (Require specialized training to prosecute DWI drivers)

### 3. PLEA AGREEMENTS

#### *Solutions:*

- ⇒ Maryland has a tiered system. Case-by-case basis
- ⇒ Prosecutors need to tell law enforcement why the case is dismissed or plea-bargained
- ⇒ Consistency between jurisdictions
- ⇒ Prosecutors need to communicate with victims, law enforcement and judges
- ⇒ Establish plea policies
- ⇒ Establish case processing guidelines involving partnerships with drug courts
- ⇒ Educate victims on the plea agreement process to dispel the myth from victims that a plea bargain means the prosecutor does not care.

### 4. MOTIONS AND CONTINUANCES

#### *Solutions:*

- ⇒ Timely basis—can be lab, evidence
- ⇒ Identify reasons-can be requested by both sides
- ⇒ Remove “delay” tactics by state and defense ; delay is a systemic problem
- ⇒ Prioritize cases
- ⇒ Judge should be able to control the calendar and set schedule
- ⇒ Educate or train judges to adjudicate cases
- ⇒ Administrative court
- ⇒ Evaluate case management—this must be a team effort; use standardized form

### 5. TEST REFUSAL

#### *Solutions:*

- ⇒ Make refusal an additional criminal charge
- ⇒ Make refusal admissible in court
- ⇒ Use more back-up evidence to support refusal cases such as video cameras
- ⇒ Use telephonic search warrants to take blood
- ⇒ License suspensions must be more stringent for refusals
- ⇒ Must educate the general public what 0.8 really is
- ⇒ Must educate the public on what really happens when they refuse to be tested

### 6. INADEQUATE/INCONSISTENT PENALTIES

#### *Solutions:*

- ⇒ Leadership Support—have uniformity in recording prior convictions – share that info with other states
- ⇒ Develop sentencing standards and guidelines – stronger graduated penalties for repeat offenders, develop model laws; hold judges to set guidelines; develop state guidelines for recommended sentences
- ⇒ Require plea agreements to a lesser offense be made part of the record – be able to access these records or count as a prior DWI
- ⇒ Have greater communication among the states
- ⇒ Create federal database for DWI – to capture out-of-state and multi-jurisdictional offenders; include information on driver record; AAMVA working on such a system
- ⇒ Increase reciprocity among States
- ⇒ Develop means to track suspended/unlicensed drivers

- ⇒ Increase communication between felony and misdemeanor courts regarding DWI convictions, offenders
- ⇒ Increase leadership support of DWI issues
- ⇒ Model penalties for each state

7. LACK OF LEADERSHIP AND NEED TO REPRIORITIZE IMPORTANCE OF DWI

- ⇒ Form partnerships with key parties (interested parties, groups—public & private—to speak with a united voice; have statements of support)
  - Hold more summits like this one
  - Have mini state/local summits to map out gaps and develop strategies
  - Hold monthly Alcohol Forum- and involve prosecutors, AAA, community leaders, etc. to discuss DWI issues

8. LEGISLATIVE COMPLEXITIES

- ⇒ Change it - Fix it
  - A good model DWI law
  - Uniform state laws
  - Get legislators to adopt as many model laws as possible
  - Advocacy groups influence the legislation
  - Review & revise the state DWI Laws
  - Solicit state attorneys general offices by the advocacy groups
  - Reallocation of TEA-21 funds to set the mechanisms in place

9. PROSECUTOR CASELOADS

- ⇒ Financial support - identify funds or resources at the county/city level
- ⇒ Train inexperienced prosecutors
- ⇒ Solicit quality cases from the officers on the road to make the cases easier to prosecute and plea
- ⇒ Specialized DWI courts, that employ more experienced prosecutors

**Breakout Session Three—Adjudication and Disposition**  
***TOP PRIORITIES AND SOLUTIONS IDENTIFIED BY ALL PARTICIPANTS***

10. MANDATORY MINIMUM SENTENCES

*Solutions:*

- ⇒ Court watch Program
- ⇒ Judicial Training
- ⇒ Descent minimum sentencing - not too high
- ⇒ Set sentencing guidelines
- ⇒ Uniformity of the DWI state codes
- ⇒ Get rid of it—it increases jury trials; defendants often rather serve time than have other penalties imposed; it takes discretion from the judges.
- ⇒ Majority of group does not support mandatory minimum sentence

11. EVIDENTIARY ISSUES

*Solutions:*

- ⇒ Make the laws simpler
- ⇒ Take the evidentiary issues away through statute
- ⇒ Training

## 12. JUDICIAL TRAINING

### *Solutions:*

- ⇒ Identify the resources
- ⇒ Get judges to the training
- ⇒ Create a new environment for out of pocket training; public need not pay for all the training
- ⇒ Minimum CJE requirements for judges

## 13. CASELOAD

### *Solutions:*

- ⇒ Education and training on caseload management (Both judges and court administrators need this training)
- ⇒ Develop specialized courts for DWI cases. Faster dispositions due to experienced staff. The faster the docket, the quicker the adjudication. The faster the sanctions, the more effective the system, thus reducing recidivism.
  - More judges, courts, defense attorneys
  - Better processing timelines - judges limit delay tactics
  - Labs in the court
  - Alcohol assessment condition of release - differs from screening
  - DWI/DWI facilities
  - Specialized Courts
    - Time intensive, costly
    - Doesn't decrease caseload initially, maybe long term
    - Personnel specialized – disposition faster
    - Delegate authority to probation officer
    - Faster adjudicated
    - More effective
    - Longer, less impact
- ⇒ Use technology for case management and record keeping
- ⇒ Provide resources to hire personnel to monitor the technological information, as well as identify priorities of which defendants to supervise

## 14. SENTENCE MONITORING/ENFORCEMENT OF SENTENCE BY THE COURT

### *Solutions:*

- ⇒ Use volunteers
- ⇒ Set up mechanism to make sure it happens
- ⇒ Issue a summons to appear instead of a warrant
- ⇒ 10 day notice prior to warrant
- ⇒ Have triage – probation officer/court referral officer
- ⇒ Inform and involve prosecutors
- ⇒ Collection of fines - have collection agency in the courts
- ⇒ Specialized DWI/DWI Drug Court
- ⇒ Drug/alcohol testing and assessment
- ⇒ Extensive inpatient/outpatient treatment - 1 year program
- ⇒ Then AA 3 times per week with signed forms
- ⇒ Mini-warrant service team (week-end sweeps/ploys)
- ⇒ Habitual offender teams
- ⇒ Provide resources for treatment
- ⇒ Establish partnerships with police/probation in community policing



15. LACK OF JUDICIAL/LAWYER/PEER-TO-PEER COLLABORATIVE TRAINING

*Solutions:*

- ⇒ Use judicial college where resources are available
- ⇒ Identify existing funding coming to states
- ⇒ Conduct cross training— particularly with offenders with mental illness. For example, Council of State Government offers extra training with all the components of the criminal justice system and treatment.

16. ADMINISTRATIVE HEARING OFFICERS ISSUES

*Solutions:*

- ⇒ Education and training
- ⇒ Connected database for records
- ⇒ Prosecutor notice of hearing (deposition)
- ⇒ Condition of bond release (seizure of license)
- ⇒ Minimum standards on process
- ⇒ Educate hearing officers about what they can and cannot do
- ⇒ Improve hearing process and procedure



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U.S. Department of Transportation  
**National Highway Traffic Safety  
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*National Criminal  
Justice Association*